

DEPARTMENT OF THE NAVY
Office of the Assistant Secretary
Washington, D.C. 20350

SECNAVINST 7220.52B
NMPC-121C
31 January 1984

SECNAV INSTRUCTION 7220.52B

From: Secretary of the Navy
To: All Ships and Stations

Subj: Waiver of recovery of pay advanced to personnel
whose dependents are evacuated from a danger
area

Ref: (a) 37 USC 1006(c)
(b) MCOP7220.31D, Vol I
(c) PAYPERSMAN (NAVSO P-3050)

1. **Purpose.** To establish policy and procedures to waive recovery of not more than one month's basic pay advanced to members incident to evacuation of dependents from a danger area. This instruction applies to active members only.

2. **Cancellation.** SECNAV Instruction 7220.52A.

3. **Information.** Reference (a) authorizes the Secretary of the Navy, or his designee, to waive any right to recovery of not more than 1-month's basic pay advanced under the conditions of reference (a) if it is determined that recovery of the advance would be against equity and good conscience or against the public interest. When the law authorizing this waiver provision was enacted, it was the emphasized intent of Congress that, "... recovery of the advanced pay should be waived only under conditions of hardship over and above the normal evacuation process."

R) 4. **Policy.** Department of the Navy policy is to recover advances of basic pay made to members whose dependents are evacuated from a danger area except in cases in which hardship over and above the normal hardships of the evacuation process are experienced. Waiver of recovery under the guidelines established in this instruction are in the best interest of the United States. Recovery of advances of basic pay ordinarily may be waived only in cases in which unusual financial stresses are shown to result from the evacuation process, e.g. costs exceeding the transportation, per diem, dislocation allowance and personal property shipment entitlements of evacuees. Waivers should not be routinely or automatically granted in sympathetic recognition of the inevitable personal inconveniences experienced by all evacuees and/or their sponsors.

5. **Delegations.** The authority to waive recovery of basic pay under reference (a) is delegated by the Secretary of the Navy to the Commandant of the Marine Corps for

Marine Corps personnel and to the Chief of Naval Operations for Navy personnel except that in the case of Navy personnel deceased, captured, or missing waiver will be made by the Commanding Officer, Navy Finance Center, Cleveland, Ohio under the Deputy Comptroller of the Navy. Under the Chief of Naval Personnel and Commander, Naval Military Personnel Command, the Director, Navy Family Allowances Activity, Cleveland, Ohio, shall exercise the CNO authorities.

6. **Guidelines.** Factors to be taken into account in determining hardship may, by way of example, include (but are not necessarily limited to) the following:

- a. Size of the evacuated family
- b. Availability and cost of lodging/housing at the locality to which dependents are relocated
- c. Availability of military facilities (commissary, PX, medical, etc.) at the relocation area
- d. Additional expenses (e.g., new children's clothing) due to climatic change
- e. Additional children's education expenses at the relocation area R)
- f. Loss of or damage to personal property to the extent not reimbursable by private insurance or the Military Personnel and Civilian Employee Claims Act.

7. **Application.** Application will be in letter form, signed by the service member, specifying the dollar amount of the waiver sought and the reasons a hardship is believed to exist.

a. **Navy Member.** Application will be submitted by the member via his/her commanding officer, via the service member's disbursing officer and the Commanding Officer, Navy Finance Center, to the Director, Navy Family Allowance Activity. R

b. **Marine Corps Member.** Reference (b) outlines the procedures by which a member can submit a request for remission and waiver. Application will be submitted via the member's commanding officer to the Commandant of the Marine Corps (Code FDD).

c. **Member is Killed or Reported Missing in Action.** In the event that a member is killed or reported missing in action, recovery of an advance, unliquidated at the time

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the member is killed or reported missing in action, of not more than one month's basic pay advanced pursuant to this instruction will be waived without request, by the Commanding Officer, Navy Finance Center, or the Commandant, U.S. Marine Corps, as appropriate.

d. Substantiation. Applications from member's based on hardship will be supported by the following documents and evidence, as applicable:

(1) A certified copy of the supporting documents. Emergency Payment Authorization, DD Form 1337, accompanied by a complete narrative statement of the background.

(2) Amount previously collected. Any amount withheld from the service member's pay for application against the indebtedness will be considered as collected.

(3) Amount for which waiver is requested. Limited to one month's basic pay in the pay grade of the service member at the time the advance was authorized.

(4) Date of expiration of member's current enlistment, release from active duty, or anticipated transfer to the retired, retainer rolls, and a statement of total prior service.

(5) Evidence indicating the specific nature and degree of hardship, including additional expenses resulting from the relocation, the number and relationship of dependents, with ages of children, and any unusual factors or obligations which affect the service member's financial affairs. (See paragraph 6 above)

8. Action on Application

a. Commanding Officer. The commanding officer's endorsement may be forwarded grouped or "en bloc" and will contain the following information:

(1) Verification to the extent feasible, of statements made by the member, particularly those relating to hardship

(2) Information on lodging and support facilities at the relocation area

(3) A recommendation for full relief requested, partial relief (specifying the amount) or denial of relief, with comments supporting the recommendation.

b. Disbursing Officer. Upon receipt of the request for waiver from the service member's commanding officer, the service member's disbursing officer will suspend collection of 1-month's pay advanced. The disbursing officer's endorsement will contain the following information:

(1) Verification of amounts advanced, collected, and (R) placed in suspense on the current Leave and Earning Statement (LES).

(2) Statement of service member's current income (R) and disbursements, as reflected on the current LES.

c. Commanding Officer, NAVFINCEN (Navy only). The Commanding Officer, Navy Finance Center, will determine the validity of the advanced basic pay under the provisions of reference (a). Any further information relative to the circumstances will also be included in the NAVFINCEN endorsement.

d. Commandant of the Marine Corps or Director, Navy Family Allowance Activity. The Commandant of the Marine Corps or his designee, or the Director, Navy Family Allowance Activity, as appropriate, shall adjudicate the request in accordance with reference (a) and this instruction.

9. Notification of Waiver Action. The Director, Navy Family Allowance Activity or the Commandant of the Marine Corps shall notify all concerned, in writing, as to the final action taken on an application for waiver.

10. Action by Service Disbursing Officers Subsequent to Notification of Waiver Action

a. Navy Disbursing Officer. If all or part of 1-month's pay is waived, NAVFINCEN will extend the liquidation checkage for the full amount and then credit the member's account for the amount that was waived. If the waiver is approved in part, NAVFINCEN will extend the full amount of the checkage and enter a credit for the amount waived. If the member desires to off-set the advance by cash deposit or requests that the remaining portion of the advance be repaid by installment deductions, the member's disbursing officer will then follow the procedures in paragraph 70714 of reference (c).

b. Marine Corps Disbursing Officer. Notification of (R) the waiver decision will be forwarded to the servicing disbursing office for a miscellaneous Transcript of Data Extraction (TODE) credit to the member's account. If waiver

is denied, wholly or in part, the service member may offset the advance pay by cash deposit or repay by installment deductions. Checkage action will commence from the date of the receipt of the notice of denial.

11. Approval. The entitlement portions of these instructions were approved by the Department of Defense Military Pay and Allowance Committee on 2 July 1965, under procedures prescribed by the Secretary of Defense, in accordance with 37 USC 1001.

12. Form. DD 1337, Authorization/Designation for Emergency Pay and Allowances, Stock Number 0102-LF-012-8601, may be procured from the Navy supply system utilizing NAVSUP P-2002.

CHAPMAN B. COX
Assistant Secretary of the Navy
(Manpower and Reserve Affairs)

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